

Attorney Docket No. AGTZ 2 00052
Response to Office Action dated March 16, 2005

REMARKS

Applicants have now had an opportunity to carefully consider the Office Action of March 16, 2005. In this response, Applicants amended selected claims to provide a more complete scope of protection for the invention and present clarifying remarks believed to remedy the Examiner's rejections and place the claims in condition for allowance.

Claims 11-15 were allowed, which is gratefully acknowledged.

The Examiner objected to claims 3-5 as being dependent upon a rejected base claim. It was indicated that claims 2-5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any Intervening claims. The indication of allowable subject matter is appreciated.

Claim 6 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendment to claim 6 is deemed to overcome this rejection.

Applicants believe that this application is now in condition for allowance and early notice thereof is respectfully requested.

I. Claim Rejections

Claims 1, 6 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,211,103 to Kiekhaefer ("Kiekhaefer").

Claims 1, 6 and 16 were also rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 1,700,038 to Feuerheerd ("Feuerheerd").

Claims 7-10 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,398,528 to Hansen ("Hansen").

With respect to claim 1, Applicants have amended the claim to recite, among other things, "a roller member supported by the rocker member." This limitation is similar to original claim 3, which was indicated to include allowable subject matter. Kiekhaefer and Feuerheerd fail to disclose such a roller member. It is therefore respectfully submitted that claim 1 and claims 3-6 dependent therefrom distinguish patentably and unobviously over the references of record.

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With respect to claim 7, Applicants have amended the claim to include the limitation of a stop member "limiting pivotal movement of the vane assembly." Hansen fails to disclose such a stop member. In particular, Hansen discloses, in Figures 5 and 6, a vane or roller 40 and an accompanying shoe 42 (i.e. the alleged "stop member" of the present invention) fitted into each rotor slot 38. Each vane and shoe are dimensioned for radial movement in the slot and extend the entire axial length of the slots. The shoes are preferably positioned on the driving side of the slots, i.e., the shoes push the vanes rollers during the rotation of the rotor. The shoes also serve the purpose of providing a supporting and conforming surface for a lubricating fluid film development to support portions of the vane load into the body of the rotor. (Col. 4, lines 15-35).

Accordingly, Hansen fails to teach or show a shoe which limits pivotal movement of the vane. It is therefore respectfully submitted that claim 7 and claims 8-10 and 17 dependent therefrom distinguish patentably and unobviously over the references of record.

With respect to claim 16, the claim has been amended to include the limitations of the slot also defining "a driving surface" and the rocker also having a "first bearing surface that bears against the driving surface." Kiekhäfer and Feuerheerd fail to disclose a slot having both a driving surface and a bearing surface. Kiekhäfer and Feuerheerd also fail to disclose a rocker having a first bearing surface that bears against the driving surface and a second bearing surface that bears against the arcuate surface. It is therefore respectfully submitted that claim 16 distinguishes patentably and unobviously over the references of record.

Applicants respectfully submit that the present amendment removes issues for appeal, or requires only a cursory review by the Examiner. The claims as amended do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration, and/or place the application into better form for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance.

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CONCLUSION

All formal and informal matters have been addressed. For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 3-17) are now in condition for allowance.

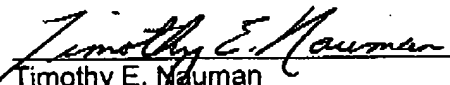
No additional fee is believed to be required for this Amendment After Final. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, she is invited to call the undersigned.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

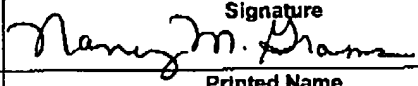
Date: 16 June, 2005


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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being:

- ☐ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☒ transmitted via facsimile to 703-872-9306 in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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